

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
March 5, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, March 5, 2010 from 11:45 a.m. until 3:30 p.m.

1. Members present. Mary Beth Bonaventura, Vicki L. Charmichael, Gary K. Chavers, Deborah A. Domine, Roger L. Duvall, Thomas M. Hakes, James D. Humphrey, A. Christopher Lee, Marilyn A. Moores, Lori Morgan, G. George Pancol, Stephen M. Sims, Carl H. Taul, and Loretta H. Rush, Chair
2. Staff present. Jane Seigel, Jeffrey Bercovitz, Anne Jordan, and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on November 6, 2009 were approved.
4. Guests present. James Payne, Director, Department of Child Services; Jason McManus, Assistant Deputy Director, Probation Services (DCS); John Ryan, General Counsel and Doug Weinberg, Chief Financial Officer, DCS were also present.
5. Tour of Child Abuse Hotline Call Center. Committee members were led on a tour of the new Department of Child Services Child Abuse Hotline Call Center which is in use in 10 counties. All reports of abuse and neglect would be made to a central call system in Indianapolis. Members of the committee requested calls screened out go to the county for review.
6. Presentation by DCS.
 - a. Emergency Shelter Care. Director James Payne reported on issues in use of emergency shelter care, including (1) use of emergency shelter care for detention purposes; (2) placement of a delinquent in shelter care without any hearing for 15 days; (3) child placed in emergency shelter care because there was no room in the detention center as noted in order; (4) child removed from detention and placed in emergency shelter care because there were no medical services in detention. Director Payne asked for a policy from the committee. Members of the committee agreed a policy in this area may address the length of stay in emergency shelter care without a court order, placement in shelter care without a hearing, and other areas. Mag. Chavers, Mag. Domine, and Judge Pancol agreed to prepare a draft policy in this area for discussion at the May meeting. Jeffrey Bercovitz agreed to distribute information from judges about the use of emergency shelter care.
 - b. Reimbursements for services. The DCS reimbursement process was reviewed with the committee by Director Payne. John Ryan said \$8 million dollars was budgeted for monies parents were ordered to be paid to DCS for services provided to them. Doug Weinberg reported DCS is trying to maximize social security monies paid to them and will send notices to parents about monies owed. DCS is attempting to address reimbursement issues, including how much should be reimbursed, whether monies should only be sought when a child is in placement, and whether monies should be sought from parents after a child is released from placement. Jeffrey Bercovitz

reported the lack of a statutory mechanism to repay the Department of Correction or the county for services to juveniles.

c. Timely issuance of orders. Director Payne reported DCS was still paying for juvenile placements when court orders were not sent to them in a timely fashion (over 30 days) in 12 -15 counties. He also noted all the forms and language on the Judicial Center's website were up to date. Jason McManus reported Title IV-E data entry is not timely in some counties. Jane Seigel suggested a policy statement sent via email and electronically from the Indiana Judicial Center and the Department of Child Services that (1) all orders for placement of juveniles must be completed in 30 days; (2) after April 15, 2010 DCS will not pay for placements of juveniles if orders are not sent within 30 days of the placement; and (3) DCS will notify the county on April 1 about cases probation has not placed Title IV-E information into the appropriate electronic database, which must occur by May 1, 2010. Judge Moores moved this suggestion be adopted as policy of the committee. Judge Charmichael seconded the motion. The motion was passed.

d. Evaluation of head injuries. Director Payne reported DCS has a contract with I.U. Riley Hospital to evaluate head injuries of children. He explained once a parent determines Riley examined a head injury, they subpoena the records and are asked to appear in court. Riley does not want to sit in court or travel to various counties to attend hearings. Director Payne asked courts to consider telephonic testimony of the physicians at Riley. Various committee members indicate they already conduct testimony in this fashion. John Ryan said they are preparing a new contract with Riley specifically including provisions for testimony.

7. Recent legislation. Jeffrey Bercovitz distributed the following bills to committee members: Senate Bills 149, 140, 178 and House Bill 1193.

8. Education. Anne Jordan reviewed the proposed agenda for the Annual Meeting of Juvenile Court Judicial Officers in Indianapolis on June 24-25, 2010. Judge Moores suggested the Hoosier National Guard Youth Challenge Academy should present information about their program for 16-17 year old youth.

9. Probation rule change. Jane Seigel announced a memorandum on rule changes on probation consolidation would be distributed soon to all judges. Committee members agreed discussion was needed on this item at a future meeting.

10. N.E. v. IDCS. Members of the committee reviewed N.E. v. IDCS, 919 N.E.2d 102, (Ind. 2010) which provides CHINS is a status to the child. Anne Jordan reported Judge Charles Pratt, a member of the Juvenile Benchbook Committee, agreed to talk with Robert Henke, an attorney for DCS about the implications of this case on DCS and the courts. Committee members discussed (1) how they make findings for each parent in a CHINS case, since one of them be a fit parent; (2) some courts take a CHINS case under advisement in order to have a proceeding about the other parent; (3) some reported the need for a very detailed disposition for each parent; and (4) an increase in contested dispositions in CHINS cases. Jeffrey Bercovitz also distributed I.B. v. IDCS, 03A05-0912-JV-676 (Ind. Ct. App., Feb. 17, 2010) concerning the appointment of counsel for appeal in termination cases. He reported this case is still in the time period when transfer to the Supreme Court may be requested.

11. Next meeting dates. Committee members agreed to meet again on Friday, May 7, June 4, October 8 and November 5, 2010 from 12:00 Noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services